

AMENDMENTS TO LB863

Introduced by General Affairs

1 1. Strike the original sections and insert the following
2 new sections:

3 Sec. 27. Section 53-122, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 53-122 ~~(1)~~ The commission may issue licenses for the sale
6 of alcoholic liquor, except beer, by the drink subject to all the
7 terms and conditions of the Nebraska Liquor Control Act in all
8 cities and villages in this state, except in those cases when it
9 affirmatively appears that the issuance will render null and void
10 prior conveyances of land to such city or village for public uses
11 and purposes by purchase, gift, or devise, under the conditions and
12 in the manner provided in this section.

13 ~~(2)~~ If ~~(a)~~ a sufficient petition is signed by the
14 registered voters of any such city or village of such number
15 as equals twenty percent of the votes cast at the last general
16 election held in such city or village, which petition requests
17 that the question of licensing the sale of alcoholic liquor, except
18 beer, by the drink in the city or village be submitted to the
19 registered voters of the city or village at a special election
20 to be called for that purpose and ~~(b)~~ such petition is presented
21 to the clerk of the city or village, the clerk shall cause to
22 be published one time in a legal newspaper published in or of
23 general circulation in the city or village a notice of a special

1 election to be held not less than ten days nor more than twenty
2 days after the date of such publication. The notice shall state the
3 proposition to be submitted at such special election.

4 (3) The question of licensing the sale of alcoholic
5 liquor either by the drink or in the original package, or both
6 by the drink and in the original package, may also be submitted
7 at any general municipal election, except as otherwise provided in
8 section 53-121, in any city or village in this state subject to the
9 following:

10 (a) Upon the filing with the clerk of the city or village
11 of a petition signed by registered voters of the city or village
12 in a number equal to twenty percent of the votes cast at the last
13 general election held in the city or village, such proposition or
14 propositions shall be submitted;

15 (b) Each petition shall conform to the requirements of
16 section 32-628;

17 (c) At the top of each sheet shall be stated the
18 proposition or propositions to be submitted and the date of the
19 general municipal election at which it is proposed to be submitted;

20 (d) No signature on the petition shall be valid unless
21 appended to the petition within the last ninety days prior to the
22 date of filing the petition with the clerk of the city or village;
23 and

24 (e) The petition shall be filed thirty days prior to the
25 day of the general municipal election at which the proposition is
26 to be submitted, and during such thirty-day period no signature
27 shall be withdrawn and no signature shall be added.

1 ~~(4) Any person who signs any proposal or petition~~
2 ~~contemplated under this section knowing that he or she is not~~
3 ~~a registered voter in the place where such proposal or petition is~~
4 ~~made, who signs any name other than his or her own to such proposal~~
5 ~~or petition, or who aids or abets any other person in doing any of~~
6 ~~the acts mentioned is guilty of a Class I misdemeanor. Any person~~
7 ~~who bribes or gives or pays any money or thing of value to any~~
8 ~~person directly or indirectly to induce him or her to sign such~~
9 ~~proposal or petition, who accepts money for signing such proposal~~
10 ~~or petition, or who aids or abets any other person in doing any of~~
11 ~~such acts is guilty of a Class IV felony.~~

12 ~~(5) Upon the ballot either at the special election or~~
13 ~~at any general municipal election, the proposition or propositions~~
14 ~~shall be stated as follows:~~

15 ~~Shall the sale of alcoholic liquor, except beer, by the~~
16 ~~drink be licensed in (here insert the name of the city or village)?~~

17 ~~.... For license to sell by drink.~~

18 ~~.... Against license to sell by drink.~~

19 ~~Shall the sale of alcoholic liquor, except beer, by the~~
20 ~~package be licensed in (here insert the name of the city or~~
21 ~~village)?~~

22 ~~.... For license to sell by the package.~~

23 ~~.... Against license to sell by the package.~~

24 ~~The provisions of the Election Act relating to election~~
25 ~~officers, voting places, election apparatus and blanks, preparation~~
26 ~~and form of ballots, information to voters, delivery of ballots,~~
27 ~~calling of elections, conduct of elections, manner of voting,~~

1 counting of votes, records and certificates of elections, and
2 recounts of votes, so far as applicable, shall apply to voting on
3 the proposition or propositions under the Nebraska Liquor Control
4 Act, and a majority vote of those voting on the question shall be
5 mandatory upon the commission.

6 (6) If the question is to be submitted at a statewide
7 primary or general election, the petitions shall be filed with the
8 clerk of the city or village not less than sixty days prior to
9 the election. The provisions for the required number of signers and
10 the form of petition shall be the same as for a special election.
11 The clerk of the city or village shall verify the signatures on
12 the petitions with the voter registration records in the office
13 of the county clerk or election commissioner. During the ten-day
14 period while the petitions are being checked, no signatures shall
15 be withdrawn and no signatures shall be added.

16 If the clerk of the city or village finds the petitions
17 to be valid, he or she shall, not less than fifty days prior to
18 the statewide primary or general election, give notice in writing
19 to the county clerk or election commissioner that the question is
20 to be submitted at the time of the statewide primary or general
21 election. The election notices, issuing of the official ballots on
22 election day, issuing of the ballots for early voting, and counting
23 and canvassing of the ballots shall be conducted by the county
24 clerk or election commissioner as provided in the Election Act and
25 the official results certified to the clerk of the city or village.

26 (7) An election may not be held in the same city or
27 village under this section more often than once every twenty-three

1 ~~months. A Class I retail license under subdivision (6)(a)(v) of~~
2 ~~section 53-124 is not subject to this section.~~

3 Sec. 32. Section 53-190, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 53-190 All places where alcoholic liquor is sold or
6 consumed in violation of any provision of section 53-186.01 ~~or~~
7 ~~sections 53-188 and 53-189,~~ shall be taken and held and are
8 declared to be common nuisances~~,~~ and may be abated as such in the
9 manner ~~hereinafter~~ provided in the Nebraska Liquor Control Act.

10 Sec. 34. If any section in this act or any part of any
11 section is declared invalid or unconstitutional, the declaration
12 shall not affect the validity or constitutionality of the remaining
13 portions.

14 Sec. 35. Original sections 53-122 and 53-190, Reissue
15 Revised Statutes of Nebraska, are repealed.

16 Sec. 36. The following sections are outright repealed:
17 Sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised
18 Statutes of Nebraska.

19 Sec. 37. Since an emergency exists, this act takes effect
20 when passed and approved according to law.